



special
collections
DOUGLAS
Library



QUEEN'S UNIVERSITY
AT KINGSTON
Presented by

KINGSTON ONTARIO CANADA

AN ESSAY
ON
PARLIAMENT.

1794

Entered at Stationers Hall.

AN
E S S A Y
ON
PARLIAMENT,
AND THE
C A U S E S
OF
UNEQUAL REPRESENTATION.

ALSO, A SPECIMEN OF SOME
NECESSARY REGULATIONS,

WITH A PROSPECT OF

General Reform.

EX LUMINE TRAHITUR JUSTITIA.

L O N D O N :

PRINTED FOR J. JOHNSON, No. 72, ST. PAUL'S CHURCH YARD;

SOLD ALSO BY

THE BOOKSELLERS OF YORK, LEEDS, HARROGATE.

HUDDERSFIELD, &c. &c.

JUNE, 1793.

PRICE ONE SHILLING.

AC 911. 1993. 895

74-53
June 1922

P R E F A C E.

*A*T a time when the State of Representation of the Community in Parliament is so much the subject of animadversion as at present, it is hoped, that the candid opinion and sentiments of every individual who may choose to write on this subject, will not only be acceptable, but somewhat useful to the Bulk of the People; and that although many of the notions published on this head may be very erroneous, and unfit to be adopted,—yet the judicious Reader will readily excuse every thing of that kind, as well in the present as in any other Essay of the like nature, and will remember, that the suggestions of amendment thus sent out for public inspection, are not presumed by the writer to be the best which can be invented, but only, that by a candid and impartial perusal of them,

*

every

every man of learning and sound judgment, having leisure to consider them, will be able to find out their Defects, and inform the Community what other Measures will be more beneficial, so that by those means, the general welfare and happiness may be greatly promoted:—Under that idea therefore, and no other, the following Comments are made;—if they should be so fortunate as to have a good effect, the writer's purpose will be fully answered, and his trouble requited.

He begs leave, however, to say, he believes that the circumstances which are stated in the following pages, as matters of fact, will be found, in general, strictly true and incontrovertible; and as to matters of opinion, he has already signified, that he naturally expects them to be very erroneous, and only wishes to submit them to the correction of other men, who have greater leisure, and more extensive as well as useful ideas.

ON

Parliament,

AND THE

CAUSES

OF

UNEQUAL REPRESENTATION, &c.

THE Origin of the General Council, or Assembly of the Realm, was doubtless a very long time before it acquired the name of Parliament; it is said, that King Alfred ordained, for a perpetual usage, that this Council should meet twice in the year, or oftener if need be,—but how it was at first composed or selected, and whether Knights of the Shire or Members for Counties, or for the Divisions called Tythings, Hundreds, or Wapentakes, or for Boroughs, Towns,

or



or Parishes, were the most ancient Institution, is, at this day, I apprehend, very difficult to discover, and unnecessary to inquire: Be that as it may, according to all that I have been able to learn upon the subject, and, by analogy to the common law of the land, it seems pretty clear that all the Inhabitant-Householders, without any exception; gave their suffrages in electing Delegates for this Council; which system, being of very high antiquity, ought to be considered, as a part of the first Rudiments of Government in this Kingdom.

The general Definition of a Borough has sometimes been, an ancient Town which was held of the King, or some Lord, spiritual or temporal, under certain yearly rents paid by the tenants,—and at other times, such a Town as sends Burgeſſes to the Parliament. No doubt the Boroughs in general, if not all of them, were so held; and some, though not all of them, send Burgeſſes to the Parliament,—and some Towns, which
are

are not properly Boroughs, do also send Members to Parliament,—but neither of those definitions, nor any other that I have yet seen, does, in my opinion, explain the original meaning of the word Borough,—which, I alledge to be, a Town having a castle or fort, or encompassed by a wall of defence, or similar safe-guard, which most of the large Towns in the Kingdom originally had, as well as Cities. And there can be no doubt, that all those Towns did, of common right, exercise the privilege of electing Members of the General Council, though, whether the Inhabitants made Election of Delegates for the Towns, specially, or only concurred with other Inhabitants within the same County, Tything, Hundred, or Wapentake, in electing Delegates for the whole, is quite uncertain, and totally immaterial, because, in one way or other, I am confident, they did so elect, and that such method was, therefore, the fundamental Law and Constitution of Parliament in this Kingdom; and I am equally confident, that a

Burgess

Burgefs is, properly and originally, an Inhabitant-Houfeholder within a Borough, and no other.

Taking it then for granted, that, of common right, the Inhabitants of every part of the Country, not only had originally an equal power, but alfo, actually exercifed that power, in nominating Members of the General Council, there muft have been fome particular reafon why a different method was adopted, and it is much to our purpofe to inquire, and endeavour to find out, what fuch reafon was,—and if we are fuccefsful in this inquiry, it will be our next bufinefs to confider whether or no the reafon was a juft one,—and if it fhould happen to fail, the refult will be, that Parliament ought to be reformed,—or, in other words, the Appointment ought to be brought back to its ancient manner of Inftitution, or as near thereto as can now be difcovered, or as fhall appear to be moft confiftent with public juftice.

Let

Let us begin, then, with making some Remarks and Inquiries respecting the Norman Conquest, from which period we may select a sufficient fund of information to direct our judgment in this matter.—I do not mean to alledge that William the Norman absolutely conquered this Kingdom, but only, that by his success against Harold at the battle of Hastings, with other favorable circumstances, he obtained possession of the Crown, and of the Estates belonging to it; and it was very natural, and good policy in him, to endeavour, as much as possible, to select for his Parliament such men as were attached to his own interest: From this source, therefore, some of the lesser Towns in Yorkshire, namely, Pontefract, Aldbrough, Borough-Bridge, and Knaresbrough, have been summoned to send Members to the Great Council, or Parliament; because I find that all those Towns were ancient Demesnes of the Crown, and consequently were under its immediate influence: It appears also, that York, and Ripon and Otley in
that

that County, (which latter Town did formerly fend Members to Parliament, but discontinued upon the ground of inability to pay them wages,) were under the influence of the Archbishop of York; that Northallerton was under the Influence of the Bishop of Durham, (both those Bishops holding their respective possessions under, and being appointed by the Crown,) and that Richmond was the Property of Earl Alan, who was the particular friend and favorite of the Conqueror; and at a subsequent period vested in the Crown.

With regard to the City of York, indeed, it may be alledged, that the Members for that City, are elected by Freemen, great part whereof reside at a distance from York, and therefore could never be under any particular Influence of the Archbishop; but, in answer to this, I alledge, that at the time of the Conquest, and for some ages afterwards, the Freemen of York, entitled to, and exercising the right of Election there, were
resident

resident Freemen only, and that the present practice of voting by non-resident Freemen, is a very improper and unconstitutional one; or, in other words, is contrary to the wisdom and justice of the ancient Constitution of elective Right; and the great Expence, Tumult, and Inconvenience, arising from this present practice of suffering non-resident Freemen to be Electors, both at York, and in several other places, is a sufficient reason to discontinue it; and to suffer such of them as are Householders of a particular description, to vote where they reside.

I have not, as yet, had time and opportunity to discover, whether the remaining six Parliamentary Boroughs in Yorkshire, namely, Kingston-upon-Hull, Heydon, Beverley, Scarbrough, Malton, and Thirsk; or any of them, were the Demefnes of the Conqueror, or his favorites; but I think it is very fair, from the foregoing account, as well as from the Charter of King John, hereafter stated, to presume that they were so; and

B

I have

I have likewise discovered, that the large Towns of Leeds, Halifax, Wakefield, Sheffield, Doncaster, Bridlington, and the several other considerable Towns, which have never sent Members to Parliament, were *not* the Demefnes of the Crown, or its favorites, or dependents, and of courfe not fo liable to its controul, or influence, and therefore they were not fummoned; and in all probability, the very fame kind of reafons have fubfifted in regard to the Towns in other Counties; but I have not had leifure to inquire into that matter, and indeed, it would be rather too tedious a task for one perfon to undergo;—it fuffices me to fhew, and fully answers my purpofe, that fince the Conqueft, nine, at leaft, of the Towns then held of the King, Earl Alan, Archbishop, and Bifhop, in Yorkfhire; and being then neceffarily under Royal Influence, have been called upon to return Members to the General Council of the Realm, whilft many other Towns containing the far greater part of the Inhabitants, who were much more eligible by
reafon

reason of their Independence, as well as Numbers, and their Interest in the public good of the Community at large have been totally neglected, and deprived of this invaluable right :—For these reasons, (unjust as they will obviously appear to every one) I apprehend it is clear, that the Inequality of Representation of the People of England in Parliament, by excluding many large and very respectable Towns, from a share in the Representation of the People, originated with, and was introduced and established by, William the Conqueror, and ought certainly to be rectified.—How strange and unaccountable it is, that so partial and injurious a system should have continued such a number of ages !——Leeds, and Doncaster, being Towns of some consequence, were, at no great length of time from the Conquest, made Corporations instead of Parliamentary Boroughs ; and this was plainly a political proceeding, by giving a sort of regal power to the chief Inhabitants of those Towns exercisable therein, instead of suffering them

to

to elect Representatives to serve in Parliament.

Let us next inquire a little into the nature of Burgage-Tenure-Right of Election, and for this purpose, we may recognise the first above-quoted definition of a Borough, viz. an ancient Town which was held of the King, or some Lord spiritual or temporal, under certain yearly Rents, paid by the Tenants; and it naturally follows, that those Tenants would be Burgeſſes of each Town, and when those Burgeſſes had once exercised the Right of Election, as well as paid Rents to the King, or other Lord, they seem to have formed an idea, that because they were occupiers of all the most ancient Houses, the number whereof was precisely known, no others who might think fit to build and occupy additional Houses, upon waste, or vacant Ground, ought to have any authority within the Borough; or perhaps, more probably, the Lord himself might inculcate this notion, because, by this means,

none

none but the immediate Tenants in chief of the King, or his Prelates, or other favorites, could give voice at Elections : At the first indeed this was not of much consequence, because it must be presumed, that the greatest part, and in some instances, all the Inhabitant Householders, of the Boroughs of ancient Demesne, were, at the time of the Conquest, the King's immediate Tenants :—But still, I have no doubt, (as every one, who understands the origin and progress of Tenures, will acknowledge,) that, they were only Tenants for years, or at will, and not in fee, or for life and of course, the first Burgage-Tenure-Right of Election, was attached to the Occupation, and not to the Freehold ; this was tolerably consistent, so long as there were very few Houses, besides the Burgages ; but, when there became a considerable number of other Houses, the same right ought to have been extended, to all the Inhabitants indiscriminately ; and all the Towns in the Kingdom should have participated of this universal privilege, which has
its

its foundation, in the first rudiments of civil society, and was never known to be invaded, till the Norman Conquest: I shall say a little more of Burgage-Tenure-Right by and by.

In the Great Charter of King John, it is ordained, that he is to summon all Archbishops, Bishops, Abbots, Earls, and greater Barons, and all other Tenants in Chief *under the Crown*, to meet at a certain place, to assess Aids and Scutages when necessary; this tends to shew, agreeable to what I have suggested, that from the time of the Conquest, though never before, the Representation of the Commons, was confined to particular Territories, under the influence of the Crown; and that, although this Charter of King John, was at the distance of about one hundred and fifty years from the Conquest, yet no attempt appears to have been then made, for a more just and equal Representation of the People.

This

This Charter of King John, was probably the first written Law after the Conquest, and is the only one now extant, respecting what particular persons shall constitute the General Assize or Assembly, (now called the Parliament;) and none but the spiritual and temporal Nobility, and the Kings other immediate Tenants, have any claim by this statute, to sit in Parliament; a statute, which, in this instance, carries the greatest injustice upon the face of it, and according to the words of it, the King *promises* to summon, those his immediate Tenants, as if it should seem a *favor* done by him to the people; this, I apprehend, was an establishment of the Constitution of Parliament, as created at the Conquest, and so the Law still remains, though the unreasonableness and iniquity of it is most manifest.

Thus having, as I think, sufficiently shewn the Cause and Origin of the present unequal state of Representation of the Commons of this Kingdom in Parliament,

liament, which, I believe, was never attempted to be proved by any other author ; and such inequality, having been effected by an usurped authority ; I trust, it will not only be considered, by every impartial reader, as an act of injustice to have it continued longer, but that every true-born Englishman will abhor and detest the institution of it, and will most cordially join, in endeavouring to bring back the ancient system ; for, even if any one should pretend, or attempt to prove, that the present partial system originated so early as the reign of King Egbert, the first Monarch of England, yet this will no more justify it, than if it had commenced with the reign of his present Majesty.

I have before mentioned my opinion, and the knowledge of those who understand Tenures, that the Burgage-Tenure-Right of Election, was originally attached to the Occupation of the Burgages, and not to the Freehold, and, I think, there can be no doubt that such was the case,
and

and that in process of time, by holding the Burgages for a great number of years, at the same Rents, and, by the favor or inattention of successive Kings, and other Lords, the holders of the Burgages became Tenants in fee-farm, at those certain Rents, and thus being changed from mere Tenants at will, or for years, to absolute Owners, they, at length, by the love of power, and, by the indulgence and connivance of their Tenants and the Public, effected a change of the Right of Election, from the Occupier to the Owner, and by this means, extorted from the Community, some of the few just Rights which were suffered to remain in the Constitution of Parliament, as formed at the Conquest;—and now, at length, by the great wisdom and refinement of modern ages, and by the great nicety of fictions and legal distinctions, persons to whom Freeholds of Burgages are conveyed, but who neither reside in the Boroughs, nor are ever meant to be *bona fide* Owners of Burgages, are at this day allowed to have the legal Right of Election,

in exclusion of Occupiers, unless the Freeholds are also conveyed to them ;—and this method, therefore, appears to be a total subversion, not only of the original, but also of the secondary Right of Election above-mentioned, in all Boroughs where it is practised, and a deprivation to the Inhabitants of their due suffrage and ancient rights. An instance of this kind, in one of the assumed Burgage-Tenure-Boroughs, may serve to illustrate the whole.

I am informed, that, between the years 1720 and 1740, or thereabouts, the late Earl of Burlington contrived to purchase a majority of the Burgage-Houses in Knaresbrough, which are in all about eighty-eight ;—in the making of those purchases, he stipulated with the former Owners, that he would grant each of them a lease for nine hundred and ninety-nine years, at the yearly Rent of a Shilling :—The leases were granted accordingly, reserving therein expressly to the Earl, his heirs and assigns, the Right of voting for Members to serve in Parliament,

ment, in respect of the Burgages ;—and, in consequence, the Earl then was, and the Duke of Devonshire now is, Owner of Rents to the amount of about forty-six Shillings a year, out of about forty-six Burgages, for above nine hundred years to come, and then the person to whom his Right shall then belong, will have the whole property in the Burgages, and by this Right of about forty-six Shillings a year only, which cannot possibly be improved of nine hundred years and upwards to come, the Duke at present exercises the power of returning two Members for this Borough,—and this he performs in the following manner, viz. He conveys a Freehold in each Burgage, (which is only worth a Shilling a year for nine hundred years to come, as before-mentioned,) to a Tenant or Friend of his, who resides at the distance of nineteen miles and upwards from the Borough, and, when an Election is to be made, those Tenants and Friends of the Duke come to Knaresbrough, and effect the Election, and not one single Inhabitant
of

of the Borough gives a voice in it.—Does not this practice exhibit the utmost absurdity and indecency, as well as injustice? Can it be said, that the Inhabitants of Knaresbrough are now represented in Parliament, any more than the Inhabitants of Leeds, Halifax, or any other place, for which no Members are ever elected? Can it be presumed, that if the Inhabitants of Knaresbrough had been permitted to appoint their own Members, they would not have appointed two worthy Gentlemen in their own Neighbourhood, instead of any two Strangers, who have been supposed to represent them for many years past? Can any thing be more shocking to the feelings of mankind than this, the most glaring perversion of justice, this insult and outrage to human understanding? Is it to be endured in a Kingdom, boasting of greater Liberty than all other Countries?—This however, I trust, is the most shameful instance that can be shewn throughout the whole kingdom, and so it truly ought to be.

Those

Those spurious Electors for Knaresbrough, upon Election occasions, are called Burgeffes, but having no right to such a name, and the Inhabitants being thus shamefully deprived of their elective privileges, it naturally follows, that the Town of Knaresbrough may, in this respect, be called a Borough without Burgeffes ;—but how horrid and execrable it is, that such an inconsistent and wicked deprivation of right, and exercise of wrong, is suffered to exist !

The statutes of 8, and 10, of Henry VI. enact, that “ the Knights of the Shire,
 “ shall be chosen of people dwelling in
 “ the same Counties, whereof every man
 “ shall have Freehold to the value of forty
 “ Shillings by the year, within the coun-
 “ ty ;” what a pity it is, that those sta-
 tutes did not extend further, and say, that
 “ the Burgeffes to be returned to Parlia-
 “ ment for each Borough, shall be chosen
 “ of people dwelling in the same Bo-
 “ roughs, whereof every man shall occu-
 “ py a Dwelling-House, having four
 “ Rooms

“ Rooms or Apartments, and each of
 “ them being equal to a square of thir-
 “ teen feet, or the like, within the Bo-
 “ rough.” This would have been a salu-
 tary provision, and would sufficiently have
 preserved the Common-Law-Right of
 Election in Boroughs, and prevented the
 absurdity and indecency above complained
 of, as well as all similar practices, and the
 other great evils that have arisen for want
 of such a regulation. But to know and
 reflect, that only half of the Towns in the
 Kingdom have power to elect Members
 of Parliament, and amongst those half, a
 considerable number, I believe twenty-five
 of them, that may return fifty Members in
 such a manner as above-described, respect-
 ing Knarebrough, must be very alarming
 to every man, who has the least know-
 ledge or idea of the Rights of Civil Soci-
 ety.—I have also been told that Knaref-
 brough, Aldbrough, Borough-Bridge, and
 Ripon, or some of them, began first to
 send Members in the Reign of Queen
 Mary, and, if so, the following question
 naturally occurs, namely, Why were those
 small

small inferior places, and not the larger and far more populous and flourishing Towns, then summoned to send Members to Parliament? And I take the reason to be, the Charter of King John, which, in this instance, is the law of his ancestor William the Norman, and only requires the Nobility and the King's other Tenants *in capite* to be summoned; for, as I have before stated, it appears that three of those four Boroughs, viz. Knaresbrough, Aldbrough, and Borough-Bridge, were ancient Demefnes of the Crown; and Ripon was, and still is a Manor of the Archbishop of York: And I incline to think, that all the other Boroughs in England, which then began to send Members, were either held of the King or the Church.

It seems to be clearly admitted by all Lawyers, that the Common-Law-Right of Election in Boroughs, is by all the resident Householders, and, had it not been for the Charter of King John, it is probable that those four new Boroughs (if I may so call them) would have returned

Members

Members to Parliament in that manner, and they certainly, according to Justice, ought to have so done, even notwithstanding that statute, because, there was then no custom whatever to direct the mode of Election, and the Crown having omitted, for above three hundred years, to put the statute of King John in force, with respect to those, as well as perhaps many other Boroughs, which began to send Members about the same time, the Common-Law-Right of Election immediately attached upon them all, though it is now most shamefully perverted in most of them; I believe there has been no determination of the House of Commons, as to the Right of Election for Knaresbrough, Borough-Bridge, or Ripon; but, that about the year one thousand six hundred and ninety, there was a determination that the Right of Election for Aldbrough was in the Inhabitants, and this determination, I take to have been very wisely founded on the Common-Law Right, and if so, why ought not Borough-Bridge, Knaresbrough,

brough, and Ripon, (which are said to have begun respectively to send Members at the same time,) to be governed by the same Right.

I take it to be beyond contradiction, that upon the first institution of a legislative assembly in this Kingdom, the Inhabitants of each Town, and no other, elected their Representatives, and continued to do so for several centuries ; nay, I am convinced that, for many centuries after such institution, it never entered into the mind of man, that any non-resident person could possibly join in such Election ;—it was, therefore, the fundamental Common-Law of the Land, and so essentially necessary, in point of justice, that it ought never to have been departed from ;—for what is understood, according to common notions and common right, by a Town's sending Members to, or being represented in, Parliament ? Is it not, that the Inhabitants send Members to, and are represented in Parliament ?—Unless, therefore, the Inhabitants themselves, and no others, elect the Members

D

for

for each place, they are not represented at all, neither can any logic whatever prove that they are.

Let us take a short comparative view of the two methods of County-Representation and Borough-Representation; the former, as settled by the ancient Acts of Parliament above-quoted, is to be by the suffrage of persons, who are not only possessed of a property of forty Shillings per annum in the County, but who also reside in it; the latter, as practised at Knaresbrough at least, if no where else, is by the suffrage of persons, who neither have, *bona fide*, any property within the Borough, nor reside in it. How wide the difference! If the Legislature, at the times of making the statutes of 8, and 10, Henry VI., could possibly have conceived, that the profligacy of succeeding times would ever have effected such a notorious wresting of social rights, from the Inhabitants of any place in the Kingdom, there can be no doubt, that those statutes would have put an impenetrable barrier against such a monstrous proceeding.

proceeding. But, independent of any statute, in spite of all legal forms and distinctions, I beg leave to assert, that, even according to the Laws of this Kingdom, as now existing, if properly understood and practised, no place whatever is duly represented, unless by the suffrage of Inhabitants of some denomination or other, for, even in the cases of Burgage-Tenants and Freemen, as I have above observed, they were originally occupiers of Burgages, and residents in Cities and Towns ; those were necessary and indispensable qualifications ; so that the establishments of modern times, differing from those primitive institutions, are unconstitutional innovations, and contrary to the rights of society.—If any one should think it unjust or harsh that *bona-fide* Freemen of Cities and Towns, and Freeholders of Burgages, should be deprived of their elective power, by not residing in the Boroughs, Cities, or Towns ; to this I answer, that when Freeholders of Burgages and Freemen of Cities and Towns go to reside in other places, it is a voluntary act in themselves, and, therefore, must

must be presumed to be for their benefit, and not only so, but they may have a right of voting in the respective places where they reside, and thus they will enjoy their full share of suffrage in parliamentary Representation, and ought to be satisfied. It is also natural to think, that, at the origin of sending Members to the General Council or Parliament, the persons chosen by the Electors were Inhabitants of the respective places which they represented, and the statutes of 1, Henry V., and 23, Henry VI., ordain it to be so, although, at this day, neither those statutes, nor the Common Law in this instance, are complied with. This I look upon as another great evil, being a departure, not only from the original Constitution of Parliament, but from those statutes now in force. Indeed it may be truly alledged, that there are several, perhaps a great many, Boroughs in the Kingdom, wherein there is not an Inhabitant who is qualified in point of Estate; but where that is the case, the Inhabitants ought to choose the most sufficient and discreet persons resident within
the

the Borough, (as the said statutes and the writs for Election require that they should,) or at some moderate stated distance. Those writs also mention, that the Election shall be by a Majority of those who shall be present; and it certainly was never meant or intended by our ancestors, even at the Conquest, or for several ages afterwards, that any but Inhabitants should be present to give Voice at Elections.

The learned Judge Blackstone says, that
 “ in a free State every man who is suppo-
 “ sed a free agent, ought to be, in some
 “ measure, his own Governor, and that,
 “ in so large a state as ours, it is wisely
 “ contrived that the people should do that
 “ by their Representatives, which it is im-
 “ practicable to perform in person.” And
 in another place, after speaking of the
 excellencies of the English Constitution,
 says thus, “ not that I assert it is in fact
 “ quite so perfect as I have endeavoured
 “ to describe it, for if any alteration might
 “ be wished or suggested in the present
 “ frame of Parliaments, it should be in
 “ favor

“ favor of a more complete Representation
 “ of the people.” And I apprehend he did not know or consider, that the whole County of York only sends thirty Members to Parliament, which is far less than its proportion ; or that some other Counties send a still less proportion.

The real or pretended difficulty of effecting a complete Representation, or the supposed possible Evil, consequent upon any alteration of the present system, seems to put a stop to all parliamentary efforts of Improvement, but what reasonable foundation is this, for declining to make an amendment, which every man would see the Justice of ? Will any one deny, that the obligation of doing good is an universal principle ? or will any one say, that we should avoid doing good, because it might possibly induce some small inconvenience ? With as much reason it might be urged, that we ought to do evil, from the wild supposition, that some good might possibly result from it ; but to talk or argue in this manner, is trifling

fling with the common intellects of the Public ; a change in the present state of Representation would be just and is necessary ; and, therefore, every man who is capable, and can spare time for it, should suggest such method of Reform as he conceives to be most practicable and beneficial, and by this means, with the consent of Parliament, surely a wise and permanent Reform might be made.

I know it is judged by many intelligent persons, that it would be extremely unfit to give every Householder a Right of Election in Boroughs ; neither do I oppose this doctrine ; and, therefore, under that persuasion, it will appear that some special qualification is necessary : The question then would be, What is the most proper kind of qualification ? This might be referred either to rental, payment of Taxes, or to the number and dimensions of Rooms contained in the Householder's Dwelling-House. The last method would, I think, be the best ; not only because Rents and Taxes being very liable to fluctuate and
change

change, a regulation on that score would, in time, want alteration, but also because of the uncertainty of coming at the truth of what Rents or Taxes were paid by Individuals; and I think, that one of the wisest provisions in the making of Laws, is, to take care that they be such as may endure for a number of ages, without the necessity of alteration. The largeness of a Dwelling-House would fix a permanent competency in the Occupier to be an Elector, whether he paid Taxes or not; which latter circumstance, according to my apprehension, ought not to be attended to, both for the reasons before-mentioned, and also, because that every Occupier does virtually pay Taxes, whether such payment be in quality of Taxes or only of Rent. It might also be right, that every person, being Owner of such a Dwelling-House, as above described, or being Owner or Occupier of as much Land as would well maintain three or four horses or cows, or having property sufficient to purchase such a House or Land, though not a Householder, should have a Voice where he resides.

sides. I should also think it would be just, that every Householder occupying a Dwelling-House of four Rooms, or the like, of certain dimensions, in each Village and lonely place, should have a Voice in electing Representatives ; let us, therefore, inquire, in what place it would be the most suitable or proper for him to exercise that Right. Should it be in that Borough to which he lives nearest, the County at large, or some other District yet to be created ? This may require some consideration to determine. If the County at large should be thought best, I then am of opinion, that there ought to be an addition of one, two, three, or more County-Members, according to the extent and population of each particular County ; and with respect to Boroughs, and to other Towns which are not called Boroughs, it would be proper to ordain, that each Borough or Town, having not less than a hundred, nor more than a thousand of such Household-ers as above-described, or some other particular numbers which might be judged best, should only send one Member to Parli-
E ment.

ment.—And that each Borough or Town, having not less than a thousand, nor more than two thousand of such Householders or the like, should send two Members, and that each Borough or Town, having upwards of two thousand of such Householders, should send three or four Members.—And the like regulation to be adopted in case of creating separate districts, independent of such Boroughs and Towns as are above-described.

In a former part of this treatise, I had occasion just to mention the payment of Wages to Members of Parliament: It is very well known that in ancient times the Representatives were paid for their attendance by their Constituents, viz. Four Shillings a day to a Knight of the Shire and Two Shillings to a Citizen or Burgefs. And I think, that the Members ought still to be paid, with this difference, that the whole should come out of the public Taxes, and that, perhaps, Two or Three Hundred Pounds per annum, for each Member indiscriminately, with an addition of Five Shillings,

Shillings, or the like, per mile, per annum, for travelling expences, from the respective places of abode of the Members residing above thirty or forty miles from the House of Commons, might be proper, provided that each of them should attend full two-thirds or three-fourths of the time of sitting, or else receive nothing.

With respect to the Duration of Parliaments, there can be no doubt that it is far too long at present. The question seems to be, whether annual, biennial, or triennial Parliaments are most eligible? My present notion is, that annual Parliaments would be too short, not only because of the great trouble in convening them, but also of the probable backwardness or indifference it might occasion in Gentlemen to take upon them such a trust, and the trouble of taking temporary houses of residence in or near London, for so short a time; so that biennial Parliaments would be better than annual: But whether biennial or triennial would be the better establishment, I leave wiser men to judge of.

I should,

I should, at present, be inclined to think, that triennial Parliaments might be most eligible and beneficial to the Community.

Some are of opinion, that it would be better to throw the whole of the Representation into County-Members and abolish that of Boroughs, but this I think would not be just, without making several Regulations for the ease and convenience of the Electors, for if none but County-Members were to be suffered, especially in such large Counties as York, Lincoln, &c. not half of the Electors would be at the trouble or expence of going to Elections, unless they might be permitted to give their Voices at the nearest Market, or other considerable Town to their place of residence; this Regulation might probably answer well enough, but still I think it better that all considerable Towns should be specially represented, and that the Members to be chosen, should either be resident within those Towns, according to the Common-Law, and the several ancient Statutes now in force,

force, as above mentioned, or at least should reside within a stated number of miles, as ten, fifteen, or the like ; and by this means, not only the Electors would be able to know the true characters of all that were eligible, and to make a wise choice of Representatives, but there would also be Gentlemen from every part of the Country sitting in Parliament, and this would certainly be the best system, as well as the most natural and consistent.

I think too, that the Candidates ought not to be at any expence whatever, and that some very exemplary punishment should be inflicted both upon the persons giving and receiving Bribes ; it should be considered so great a breach of the fundamental social duty, that every person found guilty of it, might thenceforth be precluded (amongst other things) of bringing any action or suit for any debt or damage whatever, and from carrying on any trade or business, but merely as an assistant, servant, or labourer,—and any other punishments which the wisdom of Parliament might

might ordain ; which punishments might also be extended to all Landlords or Landladies, who either by themselves or their agents applied to their Tenants, to give their Voices to any Candidate whatever.

Some think also, that because of the great tumults and disturbances which might arise in great Towns at Elections, they are much better without special Representation : To this I answer, that justice requires them to be represented, and, therefore, they ought to be so, either by appointing their own particular Representatives, or by joining in the Election of a greater number of County-Members : And I hope, there are many wise men in the Kingdom, who could suggest a method of giving Voices, even in the former case of appointing special Representatives, either publicly or privately, so as to avoid any disorder ; as, for instance, a select number of the Electors might be deputed to manage the Poll, each of whom should keep open a Book for a certain number of days, to enter the Names of all Electors
who

who should call for that purpose, and of the respective Candidate for whom each voted ; and then the whole might be copied out, and the entries for each Candidate summed up, and the whole published at least three days before the day of Election ; when the select number should declare, which of the Candidates had the Majority of Suffrages, and should be the only necessary parties to certify the Election accordingly, but not excluding any others who might wish to sign the return, this would be one method, and let each person who is capable propose a better.

The advocates for the present system of Representation alledge, not only that it would be very difficult to alter it for the better, but that the present is not the proper time for it, because we are at war with France, and, therefore, we ought to wait patiently till that war is terminated :—If the House of Commons should pass a Vote, that, so soon as the war is at an end, an effective Reform of Parliament ought to be made,—I would be one of the first
men

men to urge a suspension of Petitions till that period. But have there not been several considerable intervals of peace since the year 1760, and yet no Reform has been made? If neither time of peace nor time of war be proper for a Reform, I cannot guess what time will be proper; and with respect to the present war, I do not see that the progress of it would be at all affected by an immediate Act of Reform, unless it should hold out till another general Election, which I trust it will not; but be that as it may, it is never too soon to do well, nor to put a stop to unjust practices, nor can I possibly conceive, with what reason it can be urged, that the making of a Reform is so extremely difficult as some people seem to imagine, because, I am confident, that an able Lawyer would in a very few days, prepare an Act of Parliament, which should answer every salutary purpose of Reform, in all the necessary modifications of it; and as to the difficulty which arises, in previously ascertaining and defining the most reasonable and consistent qualifications of Electors, and the
 Boroughs

Boroughs, Towns, Districts, or Counties for which they shall join in electing, and the times, places, manner, and other necessary regulations to be observed therein, I think that the several methods above suggested, are such as would enable a few judicious men to point out a very just and wise system, agreeable to the principles both of natural and social justice : And I am inclined to think, that if a number of wise and virtuous men would assemble in each County, for the purpose of considering such a measure, and judging what would be the most expedient method of electing Representatives, and would then make a public communication of the whole, so as that the best regulations in every instance might be marked out ; and if then, a considerable number of the people at large would petition Parliament, for a Reform accordingly, it might have a good effect. But indeed I do not know, whether or no, according to the modern refined notions of politicians, this would be called an indecent and unjustifiable dictating to Parliament, which ought not to be attended to ; though I

F

should

should humbly hope it would not, because, according to reason, justice, and even common prudence, those who either have in fact, or in legal presumption, elected the present Members of Parliament, ought never to be precluded from stating to them, what Laws they conceive are likely to be most salutary for the Community at large ; especially if it be true, as I am convinced it is, that according to the ancient and original Constitution of Parliament, as well as the immutable principles of public social justice, the Members were delegated by the whole Country, and not by the Tenants of the King and his favorites or dependents, or by any other partial Boroughs, Towns, or Districts, in exclusion of the rest. This last-mentioned method, as I have repeatedly urged, was certainly first adopted at the Conquest, by the policy of the Conqueror, to secure to him and his descendants the possession of his newly acquired Kingdom.

Mr. Pitt, in his speech against Mr. Gray's late motion for a Reform, gives out that the
 bulk

bulk of the people have declared themselves satisfied and happy under the present system; if this be true, it ought to have great weight, but I am rather apprehensive, that not one fourth part of the people have concurred in adopting the declaration alluded to; and, if I am right, or pretty nearly so, in this supposition, Mr. Pitt fails in his allegation, otherwise I admit, that great deference ought to have been paid to it, and, upon the same principle I presume, that, unless the bulk of the people will petition Parliament for a Reform, there is no reason to expect that it will ever be granted, and I also admit, that every such petition ought to be framed, in the most decent, and respectful language.

Some, I have been told, are of opinion, that the only or best method of effecting a Reform of Parliament, would be by having a General Convention, (distinct from the Parliament,) which should be only deliberative and not legislative,—and that the Parliament might either enact or reject,
every

every or any thing that should be recommended by the General Convention, except with regard to the Reform of Parliament, which, at all events, they say, should be indispensable ;—and that it would be very proper for the King himself to propose such a measure : But, with due deference to the superior judgment of those who entertain that opinion, I beg leave to disapprove that manner of proceeding.—‘They’ who think that his Majesty ought to stand forward in proposing such a Convention, appear to me, either not to be his friends, or not well to have considered the natural or probable result of an interference of that kind, for I should think it most likely, that this measure might occasion a great misunderstanding between his Majesty and the present Parliament, and therefore, although it might be an act of great magnanimity, yet it would be bad policy in him to do it ; I believe him to be one of the best of Princes, and, have no doubt, of his most ready concurrence in any Reform which shall be proposed by Parliament, and whether any Reform shall eventually
be

be effected or not, I trust he will always be supported in a manner becoming regal dignity, but let him rest secure and calm, let him not be active but passive, I don't consider it either as his interest or duty to be the *primum mobile* in any change of Constitution whatsoever ; it is quite sufficient, that he be ready to acquiesce in such measures of Reform, as the wisdom of Parliament shall pray his assent to ; and not only so, but the summoning of a General Convention of persons, distinct from the present legislative Assembly, would, in my opinion, have so manifest a tendency to a Revolution, that I think it ought carefully to be avoided. The Parliament has full power to reform itself, in the ordinary course of legislation, without any additional suffrage or Convention ; let it therefore have wisdom, virtue, and fortitude, to ordain voluntarily, the most perfect Reform that can at present be thought of, or pointed out ; and then, doubtless, the minds of the people will be perfectly at rest, and they will look up to Parliament as the only legal, nay even probable source of
national

national welfare ; but if this be neglected, whether a General Convention takes place or not, I am greatly afraid, that the feelings of the greater number of the Community may be roused to such exertions, as would eventually induce the most dreadful consequences.

If it should appear, from what I, or others, have declared, that the present state of Parliamentary Representation is unequal, and inadequate to the purposes of public Justice, whether it be admitted that such inequality originated with, or in consequence of, the Norman Conquest (as it undoubtedly did,) or not, I trust, that no candid, or impartial person, will deny the wisdom, or expediency, yea, I might have said, the necessity of a Reform ; therefore, let us all, by every decent and pathetic application, by every possible persuasive argument, by the mildest words, and sincerest hearts, beseech Parliament to reform itself ; no other authority is necessary, and I should be extremely sorry to see any other power exerted to effect it. I had
much

much rather never see a change at all, than that any, be it in its consequences ever so salutary, should be brought to pass by any sanguinary or violent measures. Surely the recent and shocking example of France, is sufficient to deter all the subjects of this Kingdom, both good and bad, from all such proceedings :—But what an honor—how great prudence—what an act of public virtue—what a glorious event, ever to be remembered with the utmost gratitude by every Briton—would it be, for the present Parliament to reform itself, upon the wisest and most inalterable system of social Union and perfect Justice.

Having thus stated what I know, and think, at present, respecting the Parliament, and the necessary regulations of it, and, being desirous that this short Essay should make its appearance as soon as possible, without waiting for a more deliberate perusal and correction of it, I venture now to lay it open for candid and public consideration ; and having taken care, that the far greater part of it should be a work
of

of my own ideas, and not a collection from the writings of others, I flatter myself, that many of the sentiments held out on this occasion, notwithstanding their novelty, or singularity, may be found useful and beneficial, in the event of a Parliamentary Reform : But should my attempts be thought ever so imperfect, or defective, injudicious, ill-timed, or however otherwise liable to censure, I leave off, with the utmost disregard of invective, being conscious of that good intention, which alone ought to be the inducement of every work of this kind ; I offer it with the most unfeigned zeal, for the social and individual Interests of this Country, and take the liberty to subscribe myself,

BRITANNIÆ AMICUS.





